

## **CITY COUNCIL MINUTES**

**October 14, 2013**

### **REGULAR SESSION**

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, October 14, 2013 at 6:00 p.m. with Mayor Hanley presiding and City Clerk Stephanie L. Snyder recording the minutes.

#### **CALL TO ORDER**

#### **ROLL CALL:**

**Council Members Present:** Keith Nesbitt, J. M. "Mike" Holmes, William W. Kirby, Bridget Powers, Kevin Hanley

**Council Members Absent:** None

**Staff Members Present:** City Manager Robert Richardson, Assistant City Attorney Michael Cobden, Community Development Director Will Wong, Senior Planner Reg Murray, Building Official Lisa Hoffrogge, Public Works Director Bernie Schroeder, Administrative Analyst Megan Siren, Fire Chief Mark D'Ambrogi, and Police Chief John Ruffcorn.

#### **PLEDGE OF ALLEGIANCE**

#### **MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS**

Mayor Hanley proclaimed the National Arts and Humanities Month in Auburn.

#### **AGENDA APPROVAL**

The agenda was approved as presented by consensus of the Council.

#### **CONSENT CALENDAR**

City Manager Richardson noted that the City Attorney will review and approve the employment agreement in item 4 before execution if Council approves it at this meeting.

Council Member Holmes removed item 6 from the consent calendar for discussion.

1. **Minutes**

By **MOTION**, approve the City Council minutes of 9/23/2013.

2. **Auburn Municipal Airport Project – Apron Lighting, Pavement Marking and Airfield Signage – Notice of Completion**

By **RESOLUTION 13-113**, authorize the recording of a Notice of Completion to Vellutini Corporation (DBA Royal Electric) for the Auburn Municipal Airport Project A.I.P. 3-06-0012-11 – Apron Lighting, Pavement Marking and Airfield Signage.

3. **Grant of Easement at Auburn Municipal Airport**

By **RESOLUTION 13-114**, authorize the City Manager or his designee to approve the Grant of Easement from the City of Auburn to Sacramento-Valley Limited Partnership dba Verizon Wireless and authorize the execution of all related documents.

4. **Administrative Services Director Employment Agreement**

By **RESOLUTION 13-115**, approve the pay-for-performance employment agreement for Kimberly Juran.

5. **Financial Services Agreement**

By **RESOLUTION 13-116**, enter into a temporary financial services agreement with Andrew Heath.

6. **Long Range Property Management Plan**

REMOVED FROM THE CONSENT CALENDAR.

\*\*\*\*\* End of Consent Calendar \*\*\*\*\*

By **MOTION**, approve the consent calendar excluding item 6 and including request of City Manager on item 4. The motion was made by Council Member Nesbitt, seconded by Council Member Powers. Passed by the following roll call vote:

Ayes: Nesbitt, Holmes, Kirby, Powers, Hanley  
Noes:  
Absent:  
Abstain:

6a. **Long Range Property Management Plan**

Council Member Holmes asked about development proposals on the Blocker Drive property.

Community Development Director Will Wong explained the lack of formal action on any development proposals.

Mayor Hanley clarified the purpose of this report to the State.

By **RESOLUTION 13-117**, approve the Long Range Property Management Plan.

The motion was made by Council Member Nesbitt, seconded by Council Member Powers. Passed by the following roll call vote:

Ayes: Nesbitt, Holmes, Kirby, Powers, Hanley  
Noes:  
Absent:  
Abstain:

7. **Public Comment**

Suzi de Fosset, Executive Director of the Gathering Inn, spoke about the panhandling solutions campaign.

Administrative Analyst Megan Siren reminded the public that the next pharmaceutical take back event is Saturday, October 26 from 10:00 a.m. to 2:00 p.m. Council Member Kirby emphasized the importance of this event.

**PUBLIC HEARINGS**

8. **Ordinance Amendment – Regional Commercial – Emergency Shelter Zone District; Transitional Housing; and Supportive Housing**

Senior Planner Reg Murray gave the staff report on this item. He reviewed the background on the item. He reviewed the proposed ordinance which establishes the Regional Commercial – Emergency Shelter zone district, develops standards for permanent and temporary emergency shelters, and permits Supportive and Transitional Housing in the Medium Density Multiple-family Residential (R-3) zone district. He reviewed recent actions and recommendations by the Planning Commission. He reviewed the public input that has been received. He spoke about the deadline for adoption of the city's Housing Element, which is October 31, 2013. He said that deadline will not be met, and as of November 1<sup>st</sup>, the City will have a Housing Element that is out of compliance. He spoke about the

potential implications of having a Housing Element that is out of compliance.

Assistant City Attorney Michael Cobden spoke about legal implications of the Housing Element being out of compliance.

Council Member questions followed regarding: (1) Planning Commission's recommendations on zones, (2) updates to the State Department of Housing and Community Development (HCD), (3) conditions allowed on emergency shelters, (4) HCD deadlines, (5) noticing of meetings, (6) ability of emergency shelter to be placed anywhere in the City while Housing Element is out of compliance (7) and M-2 zoning.

Reg Murray went through the sequence of events that must still happen before a Housing Element can be adopted by Council.

Michael Cobden spoke about the possibility of the Council adopting the Housing Element without the HCD certification.

Will Wong explained that if the action tonight was approved, and could be heard for second reading at the next meeting with a Housing Element also being adopted, the deadline might be met.

Public comment:

Brent Kincaid, property owner in the subject area being discussed tonight.  
Jerry Mifsud, 628 Mikkelson Dr., Auburn, brought a petition against this location.

Buster Bruce, 405 Landis Circle, Auburn.

Suzi de Fosset representing the Gathering Inn.

Otto Fox representing parents, Georgia and Ken Fox.

Jeff Cowan, 179 Electric Street.

Dan Appel, pastor of Seventh Day Adventist Church.

\*\*\*Council recessed at 7:28 p.m. and reconvened at 7:37 p.m.

Suzanne Malloy, 12064 Persimmon Terrace, Auburn.

Richard Vorous, Pine Crest Ave, Auburn.

Scott Queen, resident and business owner of Sierra Foothills Mortuary.

Arnie Mertz, property/ business owner (lot 5 on the map).

Dr. Walter Winfrey, rents space from Dr. Fox on Auburn Ravine.

Ralph Smith, owns property adjacent to lots 3, 4 and 5; business owner.

Bhakti Banning, 682 Mikkleson, Auburn.

Cheryl Huntley Berg, resident of Auburn.

Kurtis Fox, parents own lots in subject area.

Jerry Mifsud addressed Council again asking to clarify the position of his petition of about 600 signers.

Mayor Hanley asked City Attorney to speak about the issue of designating property at the Auburn Municipal Airport.

Assistant City Attorney Mike Cobden said at the earlier stages of this process, the airport was considered, and it was determined none of the locations at the airport were appropriate. He said the PCALUC had reviewed the possibility of zoning an emergency shelter at the airport, and determined that a single zone was potentially compatible, so long as a number of restrictions were placed on the shelter, but the Government Code only allows for a specified list of restrictions on emergency shelter zoning. The PCALUC determination therefore meant that the airport was not a possible site for zoning an emergency shelter if the City wanted to comply with SB2.

Council Member Kirby said this is a very difficult decision to make. He said with a seven square mile city, every zone is within walking distance to a park or school. He said he doesn't feel this has been a rushed decision. There have been numerous Planning and Council meetings, among other discussions. He said the discussion that is taking place is confusing two completely different subsets of people. The people who look for help in shelters are not the same people who are getting in trouble with the law. He addressed the Police Department's ability to deal with the problem. He spoke of the different areas/ zones that have been considered to this point. He addressed many of the concerns expressed during public comment.

Council Member Powers spoke about the difficult decision in front of the Council. She said residents can contact the state with their concerns since this is a state mandate. She spoke about the difference between the homeless and the panhandlers. She spoke of her experience with the Gathering Inn. She said she would like to look at the M-1/ M-2 zones again.

Council Member Holmes spoke about the community coming together to come up with homelessness solutions. He spoke about Zone District #8 referred to by the planning commissioners.

Council Member Nesbitt stressed the difference between the homeless and the vagrants. He said this decision is one of the hardest this Council has had to address. He said the state designed this mandate without considering a town like Auburn that is landlocked, fully developed, with many schools and parks throughout. He said it needs to be a zone within a zone; not a broad section of area. He said he is willing to explore M-1/M-2 only if there is a zone created within that zone. He spoke of the importance of helping the people who really need and want the help.

Mayor Hanley agreed this is a difficult issue. He said with a town with mixed zoning like Auburn, it's a challenge. He spoke about maximizing

public safety. He explained why he disagrees with reconsidering the M-2 zone option. He spoke in favor of the C-3 zone option.

Council Member Kirby asked about parcels in the M-2 zones.

Reg Murray reviewed past discussions specifically about M-2 zones.

Council Member Kirby made a MOTION to revisit the M-2 zones previously looked at and to have staff return to Council. Council Member Holmes seconded this motion.

Will Wong said the Planning Commission had recommended the original proposal of the whole M-2 zone with buffers. He said if there are specific lots chosen instead, there are noticing requirements and will delay the approval of the Housing Element.

Council Member Kirby amended his MOTION to bring back M-2 as originally proposed, continue item 8 and 9 on the agenda for the next meeting on October 28, 2013.

Council Member discussion followed regarding C-3/ M-2 zoning.

Assistant City Attorney Michael Cobden said the ordinance amendment needs to be completed before you can bring forward the Housing Element for approval.

The motion passed 3-2 by a roll call vote.

Ayes: Holmes, Kirby, Powers

Noes: Nesbitt, Hanley

Absent:

Abstain:

9. **Re-Zone – Regional Commercial – Emergency Shelter Zone District (Auburn Ravine Road Project Area)**

By virtue of the previous motion, this item is continued to the October 28, City Council meeting.

\*\*\*City Council recessed at 8:52 p.m. and reconvened at 8:59 p.m.

10. **Introduction of Code Adoption**

Staff report delivered by Fire Chief Mark D'Ambrogi and Building Official Lisa Hoffrogge. Chief D'Ambrogi said this is a three year cycle adoption of codes. He explained why these codes are adopted. They both explained the changes in the codes being adopted.

Council Member questions followed regarding the external audible device,

ADA requirements, development costs, less/ or more restrictive local code, and facility and equipment fees.

By **MOTION**, held a Public Hearing and introduced for a first reading, by title only, an ordinance to adopt: the 2013 edition of the California Buildings Standards Codes and amendments thereto, adopt the 1997 edition Uniform Code for the Abatement of Dangerous Buildings, the 2012 International Existing Building Code, and the 2012 International Property Maintenance Code. The motion was made by Council Member Holmes and seconded by Council Member Nesbitt. The motion passed by roll call vote.

Ayes: Nesbitt, Holmes, Kirby, Powers, Hanley  
Noes:  
Absent:  
Abstain

## REPORTS

### 11. City Council Committee Reports

Council Member Nesbitt reported on the Downtown Business Association having the tree lighting ceremony a week before the Festival of Lights parade this year.

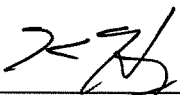
Council Member Kirby reported on LAFCO and the parcel annexation to Auburn at the last meeting. He asked staff to look into city fees applied to art above the Old Town Art Gallery for possible mitigation/ refund.


Council Member Powers reported on the Manufacturers Forum held by the Placer County Economic Development Board on the 16<sup>th</sup> of October. She also reported on the Bud Anderson Statue Fundraiser/ Unveiling at Doug Van Howd Studio on November 7<sup>th</sup>.

Mayor Hanley reported on the School Park Community Garden opening event.

## ADJOURNMENT

Mayor Hanley adjourned the meeting, without objection, at 9:16 p.m.

  
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Kevin Hanley, Mayor

  
Stephanie L. Snyder, City Clerk